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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,955	08/08/2001	Shell S. Simpson	10008220-1	2072

7590 06/16/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/923,955

Applicant(s)

SIMPSON ET AL.

Examiner

KAMAL B. DIVECHA

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on June 6, 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20,24,27-31 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) 20,24,27-31,33-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 20,24,27-31,33-40 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Response to Arguments**

The examiner withdraws the previous Final Rejection dated April 4, 2005 and presents a new Final Rejection.

Applicant has cancelled claims 1-19, 21-23, 25-26 and 32, and have added claims 33-40 as per amendments filed on March 3, 2005.

**Election/Restrictions**

- I. Claims 1-19, were drawn to provide an API operable to select a printing method that will print the documents using preset printer settings or choose options relating to the specific printer or choose a printer from a number of available printers, classified in class 358, subclass 1.14, 1.15.
- II. Claims 20, 24, 27-29, 30, 31 and 33-40, are drawn to a selection method for determining an appropriate destination, autonomous network service and redirecting the browser to the destination, classified in class 709, subclass 203.

Newly submitted claims 20, 24, 27-29, 30, 31 and 33-40 (group II) are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions and different effects, such as invention I had a function of determining an appropriate printer destination and selecting one of the printer method from available printer destination methods for printing purposes and invention II has a function of

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redirecting the browser to the destination. Invention I dealt with printing and invention II deals with redirecting.

Invention I as originally claimed, which includes claims 1-19, was directed to the process of determining an appropriate printer destination and selecting one of the printer method from at least two of a printer list destination method, a printer destination method, and a print now destination method for printing the documents. In general, the first group of claims is directed to the selection of an appropriate printer for printing purposes.

Invention II as presently claimed, which includes claims 20, 24, 27-29, 30, 31 and 33-40, are directed to an autonomous network service, where a browser extension in the browser automatically accessing user profile and getting a criterion for selecting a method for determining an appropriate destination and redirecting the browser to the selected destination using the reference.

Because these inventions are distinct for the reasons given above and the search required for invention I is not required for invention II, restriction for examination purposes as indicated is proper. The searching for invention I would be different from that required for invention II and would cause undue burden to the Examiner. See MPEP § 808.02.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Claims 20, 24, 27-29, 30, 31, and 33-40 (group II) are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the original invention was directed to the process of determining an appropriate printer destination

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and selecting one of the printer method from at least two of a printer list destination method, a printer destination method, and a print now destination method for printing the documents. In general, the original invention was directed to the process of selection of an appropriate printer for printing purposes, and the second invention is directed to an autonomous network service, where a browser extension in the browser automatically accessing user profile and getting a criterion for selecting a method for determining an appropriate destination and redirecting the browser to the selected destination using the reference. It is clearly indicated that the two inventions are distinct or independent.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 20, 24, 27-29, 30, 31, and 33-40 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Therefore, there are no claims left to be examined from the invention originally claimed because applicant has cancelled the claims presented in the originally claimed invention.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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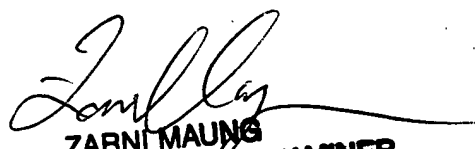
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on 9.00am-5.30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 13, 2005.

  
ZARNI MAUNG  
ADVISORY PATENT EXAMINER